

ORIGINAL

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FILED
DISTRICT COURT OF GUAM

JUN 29 2006

MARY L.M. MORAN
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CHO SUM LEUNG,

Defendant.

CRIMINAL CASE NO. 03-00024

**GOVERNMENT'S MOTION
FOR A DOWNWARD DEPARTURE
UNDER USSG § 5K1.1 AND
18 U.S.C. § 3553(e)**

Comes now the United States and moves, pursuant to USSG § 5K1.1 and 18 U.S.C. § 3553(e), for a downward departure from the applicable total offense level to Level 29, which will yield an advisory guideline range of 87 to 108 months with Criminal History Category I.

The defendant has provided substantial assistance to agents with the Drug Enforcement Administration in their investigation of drug trafficking activities. As a direct and indirect result in part of defendant's substantial assistance, two of his associates have been indicted in U.S. v. Mak Kam Fai a/k/a Mak Fai and Too Ka-Keung a/k/a Too Ka-Keung Tony, CR# 03-00044. Defendant Too Ka-Keung is awaiting sentencing. Co-defendant Mak Kam Fai is presently held in the Southern District of New York (SDNY) on other federal charges. Government counsel has been advised that Mak Kam Fai will elect to transfer his Guam case to the SDNY for plea and sentence, and that Fed.R.Crim.P. 20 transfer-related documents will be forthcoming.

As well, the defendant would have been a government witness and available to testify in the trial of U.S. v. Wing Kwong Cheung a/k/a Ricky, CR# 04-00013, however, no such trial was

1 necessary since Cheung pleaded guilty, and received a sentence of 151 months on June 10, 2005.

2 For all these reasons, a downward departure to Level 29 is appropriate and the government
3 will recommend the minimum term under said range.

4 RESPECTFULLY SUBMITTED this 29th day of June 2006.

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6 LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and CNMI

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8 By: 

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